

SO. CAL. EQUAL ACCESS GROUP
Jason J. Kim (SBN 190246)
Jason Yoon (SBN 306137)
101 S. Western Ave., Second Floor
Los Angeles, CA 90004
Telephone: (213) 205-6560
cm@SoCalEAG.com

Attorneys for Plaintiff
MARIO MENDOZA

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MARIO MENDOZA,

Plaintiff,

vs.

LIL' EAST COFFEE LLC; SHAPES AND
FORMS, LLC; and DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR DENIAL
OF CIVIL RIGHTS OF A DISABLED
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT;

3. CALIFORNIA'S DISABLED
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY
CODE;

5. NEGLIGENCE

Plaintiff MARIO MENDOZA ("Plaintiff") complains of Defendants LIL' EAST
COFFEE LLC; SHAPES AND FORMS, LLC; and DOES 1 to 10 ("Defendants") and
alleges as follows:

PARTIES

1. Plaintiff is a California resident with a physical disability. Plaintiff suffers
from cerebral palsy and is substantially limited in his ability to walk. Plaintiff requires the
use of a wheelchair at all times when traveling in public.

1 2. Defendants are, or were at the time of the incident, the real property owners,
2 business operators, lessors and/or lessees of the real property for a cafe (“Business”)
3 located at or about 2734 N. Eastern Ave., Los Angeles, California.

4 3. The true names and capacities, whether individual, corporate, associate or
5 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
6 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
7 Court to amend this Complaint when the true names and capacities have been
8 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such
9 fictitiously named Defendants are responsible in some manner, and therefore, liable to
10 Plaintiff for the acts herein alleged.

11 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
12 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
13 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
14 the things alleged herein was acting with the knowledge and consent of the other
15 Defendants and within the course and scope of such agency or employment relationship.

16 5. Whenever and wherever reference is made in this Complaint to any act or
17 failure to act by a defendant or Defendants, such allegations and references shall also be
18 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
19 and severally.

20 **JURISDICTION AND VENUE**

21 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and
22 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*
23 *seq.*).

24 7. Pursuant to pendant jurisdiction, attendant and related causes of action,
25 arising from the same nucleus of operating facts, are also brought under California law,
26 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,
27 54, 54., 54.3 and 55.

28 8. Plaintiff’s claims are authorized by 28 USC §§ 2201 and 2202.

1 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real
2 property which is the subject of this action is located in this district, Los Angeles County,
3 California, and that all actions complained of herein take place in this district.

4 10. **FACTUAL ALLEGATIONS**

5 11. In or about December of 2024, Plaintiff went to the Business.

6 12. The Business is a cafe business establishment, open to the public, and is a
7 place of public accommodation that affects commerce through its operation.

8 13. While attempting to enter the Business during each visit, Plaintiff personally
9 encountered a number of barriers that interfered with his ability to use and enjoy the
10 goods, services, privileges, and accommodations offered at the Business.

11 14. To the extent of Plaintiff's personal knowledge, the barriers at the Business
12 included, but were not limited to, the following:

13 a. Defendants failed to provide a compliant sales and service counter.
14 The height of the counter was higher than the height allowed by the
15 Standards.

16 b. Defendants failed to provide a compliant sales and service counter,
17 and entrance to the Business. Defendants failed to provide clear
18 ground space positioned for a forward approach to the counter as there
19 was a step obstructing the area in front of the counter, and the
20 entrance of the Business.

21 15. These barriers and conditions denied Plaintiff full and equal access to the
22 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and
23 patronize the Business; however, Plaintiff is deterred from visiting the Business because
24 his knowledge of these violations prevents him from returning until the barriers are
25 removed.

26 16. Based on the violations, Plaintiff alleges, on information and belief, that
27 there are additional barriers to accessibility at the Business after further site inspection.
28

1 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*
 2 *Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

3 17. In addition, Plaintiff alleges, on information and belief, that Defendants
 4 knew that particular barriers render the Business inaccessible, violate state and federal
 5 law, and interfere with access for the physically disabled.

6 18. At all relevant times, Defendants had and still have control and dominion
 7 over the conditions at this location and had and still have the financial resources to
 8 remove these barriers without much difficulty or expenses to make the Business
 9 accessible to the physically disabled in compliance with ADDAG and Title 24
 10 regulations. Defendants have not removed such barriers and have not modified the
 11 Business to conform to accessibility regulations.

12 **FIRST CAUSE OF ACTION**

13 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

14 19. Plaintiff incorporates by reference each of the allegations in all prior
 15 paragraphs in this complaint.

16 20. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
 17 shall be discriminated against on the basis of disability in the full and equal enjoyment of
 18 the goods, services, facilities, privileges, advantages, or accommodations of any place of
 19 public accommodation by any person who owns, leases, or leases to, or operates a place
 20 of public accommodation. *See* 42 U.S.C. § 12182(a).

21 21. Discrimination, *inter alia*, includes:

- 22 a. A failure to make reasonable modification in policies, practices, or
 23 procedures, when such modifications are necessary to afford such
 24 goods, services, facilities, privileges, advantages, or accommodations
 25 to individuals with disabilities, unless the entity can demonstrate that
 26 making such modifications would fundamentally alter the nature of
 27 such goods, services, facilities, privileges, advantages, or
 28 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

- 1 b. A failure to take such steps as may be necessary to ensure that no
2 individual with a disability is excluded, denied services, segregated or
3 otherwise treated differently than other individuals because of the
4 absence of auxiliary aids and services, unless the entity can
5 demonstrate that taking such steps would fundamentally alter the
6 nature of the good, service, facility, privilege, advantage, or
7 accommodation being offered or would result in an undue burden. 42
8 U.S.C. § 12182(b)(2)(A)(iii).
- 9 c. A failure to remove architectural barriers, and communication barriers
10 that are structural in nature, in existing facilities, and transportation
11 barriers in existing vehicles and rail passenger cars used by an
12 establishment for transporting individuals (not including barriers that
13 can only be removed through the retrofitting of vehicles or rail
14 passenger cars by the installation of a hydraulic or other lift), where
15 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 16 d. A failure to make alterations in such a manner that, to the maximum
17 extent feasible, the altered portions of the facility are readily
18 accessible to and usable by individuals with disabilities, including
19 individuals who use wheelchairs or to ensure that, to the maximum
20 extent feasible, the path of travel to the altered area and the
21 bathrooms, telephones, and drinking fountains serving the altered
22 area, are readily accessible to and usable by individuals with
23 disabilities where such alterations to the path or travel or the
24 bathrooms, telephones, and drinking fountains serving the altered area
25 are not disproportionate to the overall alterations in terms of cost and
26 scope. 42 U.S.C. § 12183(a)(2).

27 22. Sales counters and service counters shall comply with 904.4.1 or 904.4.2.
28 The accessible portion of the counter top shall extend the same depth as the sales or

1 service counter top. 2010 ADA Standards § 904.4. Forward Approach. A portion of the
2 counter surface that is 30 inches (760 mm) long minimum and 36 inches (915 mm) high
3 maximum shall be provided. Knee and toe space complying with 306 shall be provided
4 under the counter. A clear floor or ground space complying with 305 shall be positioned
5 for a forward approach to the counter. 2010 ADA Standards § 904.4.2.

6 23. Here, Defendants failed to provide a compliant sales and service counter,
7 and entrance to the Business. Defendants failed to provide clear ground space positioned
8 for a forward approach to the counter as there was a step obstructing the area in front of
9 the counter, and the entrance of the Business.

10 24. A public accommodation shall maintain in operable working condition those
11 features of facilities and equipment that are required to be readily accessible to and usable
12 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

13 25. By failing to maintain the facility to be readily accessible and usable by
14 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related
15 regulations.

16 26. The Business has denied and continues to deny full and equal access to
17 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
18 discriminated against due to the lack of accessible facilities, and therefore, seeks
19 injunctive relief to alter facilities to make such facilities readily accessible to and usable
20 by individuals with disabilities.

21 **SECOND CAUSE OF ACTION**

22 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

23 27. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 28. California Civil Code § 51 states, "All persons within the jurisdiction of this
26 state are free and equal, and no matter what their sex, race, color, religion, ancestry,
27 national origin, disability, medical condition, genetic information, marital status, sexual
28 orientation, citizenship, primary language, or immigration status are entitled to the full

1 and equal accommodations, advantages, facilities, privileges, or services in all business
2 establishments of every kind whatsoever.”

3 29. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,
4 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable
5 for each and every offense for the actual damages, and any amount that may be
6 determined by a jury, or a court sitting without a jury, up to a maximum of three times the
7 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any
8 attorney’s fees that may be determined by the court in addition thereto, suffered by any
9 person denied the rights provided in Section 51, 51.5, or 51.6.

10 30. California Civil Code § 51(f) specifies, “a violation of the right of any
11 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)
12 shall also constitute a violation of this section.”

13 31. The actions and omissions of Defendants alleged herein constitute a denial
14 of full and equal accommodation, advantages, facilities, privileges, or services by
15 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.
16 Defendants have discriminated against Plaintiff in violation of California Civil Code §§
17 51 and 52.

18 32. The violations of the Unruh Civil Rights Act caused Plaintiff to experience
19 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory
20 damages as specified in California Civil Code §55.56(a)-(c).

21 **THIRD CAUSE OF ACTION**

22 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

23 33. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 34. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be
26 entitled to full and equal access, as other members of the general public, to
27 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,
28 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,

1 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes
2 of transportation (whether private, public, franchised, licensed, contracted, or otherwise
3 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,
4 places of public accommodations, amusement, or resort, and other places in which the
5 general public is invited, subject only to the conditions and limitations established by
6 law, or state or federal regulation, and applicable alike to all persons.

7 35. California Civil Code § 54.3(a) states, “Any person or persons, firm or
8 corporation who denies or interferes with admittance to or enjoyment of public facilities
9 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an
10 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for
11 the actual damages, and any amount as may be determined by a jury, or a court sitting
12 without a jury, up to a maximum of three times the amount of actual damages but in no
13 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be
14 determined by the court in addition thereto, suffered by any person denied the rights
15 provided in Section 54, 54.1, and 54.2.

16 36. California Civil Code § 54(d) specifies, “a violation of the right of an
17 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also
18 constitute a violation of this section, and nothing in this section shall be construed to limit
19 the access of any person in violation of that act.

20 37. The actions and omissions of Defendants alleged herein constitute a denial
21 of full and equal accommodation, advantages, and facilities by physically disabled
22 persons within the meaning of California Civil Code § 54. Defendants have
23 discriminated against Plaintiff in violation of California Civil Code § 54.

24 38. The violations of the California Disabled Persons Act caused Plaintiff to
25 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for
26 statutory damages as specified in California Civil Code §55.56(a)-(c).

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FOURTH CAUSE OF ACTION

CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.

39. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

40. Plaintiff and other similar physically disabled persons who require the use of a wheelchair are unable to use public facilities on a “full and equal” basis unless each such facility is in compliance with the provisions of California Health & Safety Code § 19955 et seq. Plaintiff is a member of the public whose rights are protected by the provisions of California Health & Safety Code § 19955 et seq.

41. The purpose of California Health & Safety Code § 1995 et seq. is to ensure that public accommodations or facilities constructed in this state with private funds adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. The code relating to such public accommodations also require that “when sanitary facilities are made available for the public, clients, or employees in these stations, centers, or buildings, they shall be made available for persons with disabilities.

42. Title II of the ADA holds as a “general rule” that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of goods (or use), services, facilities, privileges, and accommodations offered by any person who owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a). Further, each and every violation of the ADA also constitutes a separate and distinct violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an award of damages and injunctive relief pursuant to California law, including but not limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

FIFTH CAUSE OF ACTION

NEGLIGENCE

43. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

1 44. Defendants have a general duty and a duty under the ADA, Unruh Civil
2 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
3 to the Plaintiff.

4 45. Defendants breached their duty of care by violating the provisions of ADA,
5 Unruh Civil Rights Act and California Disabled Persons Act.

6 46. As a direct and proximate result of Defendants' negligent conduct, Plaintiff
7 has suffered damages.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff respectfully prays for relief and judgment against
10 Defendants as follows:

11 1. For preliminary and permanent injunction directing Defendants to comply
12 with the Americans with Disability Act and the Unruh Civil Rights Act;

13 2. Award of all appropriate damages, including but not limited to statutory
14 damages, general damages and treble damages in amounts, according to proof;

15 3. Award of all reasonable restitution for Defendants' unfair competition
16 practices;

17 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this
18 action;

19 5. Prejudgment interest pursuant to California Civil Code § 3291; and

20 6. Such other and further relief as the Court deems just and proper.

21 **DEMAND FOR TRIAL BY JURY**

22 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby
23 demands a trial by jury on all issues so triable.

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25 Dated: March 28, 2025

SO. CAL. EQUAL ACCESS GROUP

26
27 By: /s/ Jason J. Kim
Jason J. Kim, Esq.
28 Attorneys for Plaintiff